

Amendment
Application No. 10/814,807
Attorney Docket No. 042320

REMARKS

Claims 1, 2, 4 and 5 are pending in this application, of which claim 1 has been amended.
Claim 3 has been cancelled. No new claims have been added.

Please note that the scope of claim 1, as amended, is the same as the scope previously recited in claim 1 (3/1). Also, the scope of claim 2, as amended, is the same as that previously recited in claim 3 (3/2/1). Thus, the amendment is to present the rejected claims in better form for consideration on appeal (37CFR§ 1.116(b)(2)). Applicants request the Examiner to enter the amendment.

(1) Claims 1-3 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nowobilski et al. (U.S. Patent No. 4,726,974) in view of Rusek Jr. et al. (U.S. Patent No. 5,591,505).

In response to the Applicants' argument filed on March 7, 2007, the Examiner states that *the Nowobliski and Rusek Jr. et al. can not be combined together because Nowobliski teaches organic and inorganic binders and Rusek Jr. et al. teaches inorganic binder amounts and not organic binder amounts however, applicant did not claim in claim 1 that the binder is inorganic or organic binder. Advisory Action mailed on March 23, 2007.*

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In this Response, claim 1 has been amended to incorporate all the limitations of claim 3, which recites only organic binders.

Because amended claim 1 recites only organic binders, Nowobliski and Rusek Jr. et al. can not be combined together by the same reasons as argued in the response filed on March 7, 2007. Thus, the present invention is not obvious over Nowobilski et al. and Rusek Jr. et al. Reconsideration of the rejection is respectfully requested.

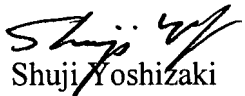
(2) In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned representative at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
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Attachment: Limited Recognition
Petition for Extension of Time